No. 97-7300-CFX Title: Glendora, Petitioner
v.
John Porzio, et al.

Docketed: December 31, 1997 Court: United States Court of Appeals for the Second Circuit

Entry	Date	Proceedings and Orders
	Dec 17 1997	Petition for writ of certiorari and motion for leave to proceed in forma pauperis filed. (Response due January 30, 1998)
	Dec 17 1997	Motion of petitioner for leave to proceed in forma pauperis filed.
	Feb 12 1998	DISTRIBUTED. February 27, 1998
	Mar 2 1998	REDISTRIBUTED. March 6, 1998
	Mar 9 1998	Motion of petitioner for leave to proceed in forma pauperis DENIED. Rule 38.1. Petitioner is allowed until March 30, 1998, within which to pay the docketing fee required by Rule (38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court. Dissenting opinion by Justice Stevens. Opinion per curiam.
	Apr 8 1998	Case considered closed.

****

EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY AT THE TIME OF FILMING. IF AND WHEN A BETTER COPY CAN BE OBTAINED, A NEW FICHE WILL BE ISSUED.

97-7300

No. _____

Supreme Court, U.S.
FILED
DEC 17 1997
OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1995

GLENDORA,

— PETITIONER

VS

JOHN PORZIO, FREDRIC LEHRMAN, MARK GUTERMAN, PATRICK RUTO, WARREN CHEATEM AND JO ANN PRIIA,

— RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

[X] Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

USDC/SDNY; USDC/EDNY; US Supreme Court; US Court of Appeals, Second Circuit

[ ] Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

Glendora

(Signature)

RECEIVED
DEC 17 1997
OFFICE OF THE CLERK
SUPREME COURT, U.S.

58 pp

AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

I, Glendora, am the petitioner in the above-entitled case. In support of my motion to proceed without being required to prepay fees, costs or give security therefor, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

I further swear that the responses I have made to the questions and instructions below relating to my ability to pay the cost of proceeding in this Court are true.

1. Are you presently employed? Yes ___ No X
   a. If the answer is yes, state the amount of your salary or wages per month and give the name and address of your employer.

   b. If the answer is no, state the date of your last employment and the amount of salary or wages per month which you received.
1983, MCI, 3 days, as a telemarketer $100

2. Have you received within the past twelve months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, or other sources? Yes X No ___

   a. If the answer is yes, describe each source of income and state the amount received from each during the past twelve months.
annuel $17 stock dividends
monthly $480 socialsecurity

3. Do you own any cash or have a checking or savings account? Yes ___ No X

   a. If the answer is yes, state the total value of the items owned.

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing) Yes ___ No ___

   a. If the answer is yes, describe the property and state its approximate value.
1980 Lincoln, 242,000 miles, $200
video equipment, $500 $400, stocks

5. List the persons who are dependent upon you for support and state your relationship to those persons.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on: Dec 9, 1997

Glendora
(Signature)

No. 97-7306

Supreme Court, U.S.
FILED
DEC 17 1997
OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1995

GLENDORA, — PETITIONER

VS

JOHN PORZIO, FREDRIC LEHRMAN, MARK GUTERMAN, PATRICK RUTO, WARREN CHEATEM AND JO ANN FRIIA,

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals Second Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

(Your Name)

(Address)

(City, State, Zip Code)

(Phone Number)

GLENDORA
A CHAT WITH GLENDORA
BOX 416
WHITE PLAINS NY 10602
914 949 9495

QUESTION(S) PRESENTED

Should 3 courts condone sewer service?

Should 3 courts condone no in personam jurisdiction?

Should 3 courts condone no traverse hearing.

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

STATUTES AND RULES

Federal Rules of Civil Procedure, Rule 4

OTHER

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

4th Amendment
5th Amendment
14th Amendment
42 USC § 1983

LIST OF PARTIES

[X] All parties appear in the caption of the case on the cover page.

[ ] All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Vi

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USDJ /SDNY Thomas P Griesa,

APPENDIX B

US Court of Appeals, Second Circuit, 12/11/97

APPENDIX C

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APPENDIX E

APPENDIX F

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1995

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[ ] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix B to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[x] is unpublished.

The opinion of the United States district court appears at Appendix ____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

[ ] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix ____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the _____ court appears at Appendix ____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

VII

JURISDICTION

[ ] For cases from **federal courts**:

The date on which the United States Court of Appeals ~~decided~~ ruled my case was _____. Not signed. no date given

[X] No petition for rehearing was timely filed in my case.

[ ] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____(date) on _____(date) in Application No. A-_____.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

[ ] For cases from **state courts**:

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix _____.

[ ] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____(date) on _____(date) in Application No. A-_____.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).

STATEMENT OF THE CASE

Glendora wants to tell you about sewer service, no in personam jurisdiction and no traverse hearing that happened in your country whose Constitution you are there to preserve.

1. Under penalty of perjury, Glendora declares she is telling you the truth, the whole truth and nothing but the truth; so help her, God. So help all of us, God.

2. During January and February, 1997, Glendora worked twenty hours on a complaint against her landlord, John S. Porzio, for abatement of rent on the grounds of circa 15 violations of the New York Statutes, to wit, the Multiple Dwelling Law and the Multiple Residence Law.

3. Franklyn erstwhile scrutinized the file for this 16-apartment complex in the Building

Dept of the City of White Plains. He found several violations of the city's building and fire codes and no certificate of occupancy, dangerous to our health.

4. Glendora tried five times to file her complaint in the City Court of the City of White Plains. She was rebuffed by the Clerks four times. Then the Honorable Jo Ann Frilla, City Judge of the City of White Plains amicably went over Glendora's complant and said, "I can just hear them say (meaning the Porzio lawyers) 'you didn't exhaust your administrative claims'."

5. Glendora said, "You mean like Tony Magnotta, code enforcement officer, Building Dept and the NY State Dept of Housing and Urban Renewal?" Said J. Frilla, "Exactly."

6. Said Glendora, "Mr. Magnotta is coming to our place at noon today to inspect in answer to my complaint filed 4 weeks ago." J. Frilla indicated orally this is what she meant.

7. Glendora further said, "And I'll file this complaint with the DHCR." "Right" agreed J. Frilla.

8. We parted amicably, Glendora telling J. Frilla, the NYS court officer, the clerk, the court stenographer today's joke uproariously enjoyed by all. You can hear it, Judge Grose, upon written request.

9. The date of this exchange was the Friday before Good Friday, 1997. March 21.

10. Glendora and Franclyn rushed home to make the Magnotta appointment at noon.

11. Infra is his report

re 4/8/97

page 4

CITY OF WHITE PLAINS

WILLIAM E. PISANI
COMMISSIONER
914-422-1281

DEPARTMENT OF BUILDING

EDWARD D. BRUNNER
DEPUTY COMMISSIONER
(914) 422-1305

April 7, 1997

John Porzio
20 Old Mamaroneck Road
White Plains, NY 10605

RE: 21 Greenridge Avenue
White Plains, NY
W-3 B-29 L-6
Log # 97-295

Dear Mr. Porzio:

A field inspection had been conducted on March 21, 1997 at the above referenced premises. The inspection revealed the following conditions:

1. ***NO SMOKE DETECTORS FOUND IN APARTMENT 2A BEDROOMS. PLEASE BE ADVISED THAT ALL BEDROOMS IN MULTIPLE DWELLING UNITS MUST HAVE SMOKE DETECTORS INSTALLED.***

2. ***CELLAR AREA REVEALED POSSIBLE SIGNS OF WATER POOLING.***

3. ***ILLEGAL STORAGE OF PAINT AND CONSTRUCTION MATERIALS WERE FOUND IN THE CELLAR. PLEASE SECURE MATERIALS OR REMOVE THEM.***

4. ***SUMP PUMP PIT HAD BEEN EMITTING ODORS. PLEASE TREAT WITH A SANITARY SOLUTION.***

5. ***TUB AND SINK IN APARTMENT 2A MUST BE RECOATED OR REPLACED. THE PRESENT COATING ON THESE FIXTURES CAN NOT BE MAINTAINED IN A PROPER SANITARY CONDITION.***

6. ***TRIPPING HAZARD FOUND IN CELLAR. THE TROUGH FEEDING CELLAR DRAIN MUST BE COVERED WITH A STEEL GRID TO PREVENT TRIPPING.***

255 MAIN STREET WHITE PLAINS, NEW YORK 10601
(914) 422-1269 FAX (914) 422-1471

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These conditions are in violation of the New York State Fire Prevention & Building Code, Supplemental Uniform Building and Fire Prevention Code of the City of White Plains.

NOTE: PURSUANT TO SECTION 654.16B.12 OF THE SUPPLEMENTAL UNIFORM NEW YORK STATE FIRE PREVENTION AND BUILDING CODE OF THE CITY OF WHITE PLAINS, A FEE OF $100.00 PAYABLE TO THE CITY OF WHITE PLAINS IS REQUIRED TO LEGALIZE WORK PERFORMED WITHOUT REQUIRED PERMITS, IN ADDITION TO ALL REGULAR PERMITS FEES.

The overtime cost incurred by the City of White Plains will be billed to you for the filed inspection. Failure to reimburse the City in full for the above cost, will result in the City filing it as a tax lien against the property.

You are directed by this correspondence to implement remedial action to abate these conditions immediately. A follow up inspection should be arranged by you, as soon as all work has been completed. Failure to comply will result in further legal to ensure compliance.

All further inquiries should be directed to the attention of Tony Magnotta, Senior Building/Housing Code Enforcement Officer or call 422-1305, between 9:15 to 10:15 am or 3:45 to 4:45 pm, Monday thru Friday.

Very truly yours,

Edward D. Brunner
Deputy Commissioner of Building

TM:dmy
cc: Glendora
Box 416
White Plains, NY 10602

page 6

12. The complaint that was rejected 5 times by the City Court of the City of White Plains was enclosed with the March 1997 rent check. If Mr. Porzio received the rent check and cashed it, then he received the complaint. Enclosing the complaint to him was not the filing of a legal paper, but only notification of our displeasure with his landlord malfunctioning.

13. 3/13/97 Glendora received infra.

Received 3/13

JOHN S. PORZIO
P.O. Box 254
White Plains, N.Y. 10605

Brief A-2

Page 7

Dear Tenant:

Enclosed please find our check for 16.15 which represents security interest due you. This is as of June 30, 1996 and is distributed in accordance with the present laws in effect. Please excuse the delay in forwarding this to you.

Sincerely,

John S. Porzio

no signature

not dated

received by F 3/13/97 7th noon

check was not signed
it was deposited
next day

14. Around March 8, 1997 the caption and the WHEREFORE of the complaint were revised to fit the DHCR, and it was mailed.

15. 3/21/1997 FRI 4PM we received this letter out of the blue from the DHCR.

page 8

JOHN S. PORZIO
Box 234
White Plains, New York 10605

Mrs. Glendora Buell
~~21 Greenridge Acres~~
White Plains, N.Y. 10605

Received by F 3/13/1997 4pm

Box 426
WP NY
10601

JOHN S. PORZIO
GREENRIDGE ACCOUNT
2 OLD MAMARONECK ROAD
WHITE PLAINS, NY 10605

2808

DATE March 11, 1997 1-32/210 377

PAY TO THE ORDER OF Glendora Buell $ 16.15

Sixteen dollars and fifteen cents---------- DOLLARS

NatWest Bank

BY JOHN S. PORZIO AUTH. SIG.

Security Interest 6/96

⑈002808⑈ ⑆021000322⑆ 2377 65 0158⑈

State of New York
Division of Housing and Community Renewal
Office of Rent Administration

DHCR

Docket Number:
LC910002E (EN)

Notice Of Eviction Proceeding
(Under the Emergency Tenant Protection Act or the Emergency Housing Rent Control Law)

Mailing Address of Tenant:

Name: Glendora Buell & Franklin Buell
Number and Street: 21 Greenridge Avenue Apt. No.: A2
City/Municipality, State, Zip Code: White Plains, N.Y. 10605

Mailing Address of Owner:

Name: c/o Lehrman & Kronick
Number and Street: 199 Main Street
City/Municipality, State, Zip Code: White Plains, N.Y. 1060

Subject Building:

21 Greenridge Avenue	A2	White Plains, N.Y. 10605
(Number and Street)	(Apt. No.)	(City, State, Zip Code)

The New York State Division of Housing and Community Renewal has received a copy of a Notice to Vacate that the owner states was served on the tenant of the above accommodations. The Notice is acceptable as it complies with Division Regulations, and specifies one of the grounds stated in Section 2504.1 and 2504.2 of the Tenant Protection Regulations.

☐ Other:

Important: See Notices to Owner and Tenant on reverse side of this sheet.

RN-54a (12/95)

Notice to Owner: Since the Notice to Vacate complies with Division of Housing and Community Renewal (DHCR) Regulations, you are permitted to use that Notice for further action to evict this tenant.

Notice to Tenant: The Owner served you with a Notice to vacate which complies with Division of Housing and Community Renewal Regulations. However, you need not vacate the subject apartment unless and until required to do so by an order/judgment from a court of competent jurisdiction.

For further information please contact the Division of Housing and Community Renewal at one of the District Rent Offices listed below:

Westchester Rent Office
55 Church Street, 3rd Floor
White Plains, New York 10601
(914) 948-4434

Nassau Rent Office
50 Clinton Street, Rm. 605
Hempstead, New York 11550
(516) 481-9494

Albany Office
Hampton Plaza
38-40 State Street
Albany, New York 12207
(518) 473-2517

Buffalo Office
Ellicott Square Building
295 Main Street, Rm. 446
Buffalo, New York 14203
(716) 856-1382

Rockland County Rent Office
94-96 North Main Street
Spring Valley, New York 10977
(914) 425-6575

MAR 17 1997
Date of Mailing

Paul Roldan
Paul A. Roldan
Deputy Commissioner

16. Colendors replied.

Paul Roldan

Paul A. Roldan
Deputy Commissioner

3/22/97/Sat/345th vernal equnox

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Westchester Rent Office
55 Church Street, 3rd Floor
White Plains, New York 10601
(914) 948-4434

Dear Mr. Roldan:

Notice to Tenant: The Owner served you with a Notice to vacate which complies with Division of Housing and Community Renewal Regulations. However, you need not vacate the subject apartment unless and until required to do so by an order/judgment from a court of competent jurisdiction.

The owner did not serve us.
We were not served with a notice to vacate.

2. We have a right to know what is going on.

3. There are no dates anywhere on this paper received by us.

4. Our mailing address is Box 416, White Plains, NY 10602.

5. Franklyn's name is misspelled.

6. We know nobody named Lehrman Kronicle.

7. We know nobody at 199 Main Street, White Plains, NY 10601.

8. Please respond to us on all eight counts supra.

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Yours in truth,

Colendors and Franklyn Lucas

Box 416
White Plains, New York 10602

3/22/97

17. We never heard from J. DICK and decided we had best go in person. Franklyn did and Mrs Esposito showed Franklyn the file. We were shocked by the notice of termination and all of its lies. Date is 3/27/97.

18. We were even more shocked by the affidavits of service of same. It follows.

Attorney:

COUNTY OF WESTCHE R — LEH N & KRONICK ATTORNEYS AT

JOHN PORZIO — Plaintiff(s)

- against -

GLENDORA BUELL AND FRANKLIN BUELL — Defendant(s)

Index No. 5242

AFFIDAVIT OF SERVICE OF: NOTICE OF TERMINATION

STATE OF NEW YORK: COUNTY OF WESTCHESTER ss:

PATRICK J. RUTO BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A P/ TO THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on 02/26/97 at 1600 Hours at 21 GREENRIDGE AVE. APT. A-2 WHITE PLAINS, NY 10605 deponent served the within NOTICE OF TERMINATION

FRANKLIN BUELL therein named,

INDIVIDUAL A ☐ — by delivering a true copy of each to said personally; deponent knew the person so served to be the person described as said p therein. ☐ (S) He identified (her) himself as such.

CORPORATION B ☐ — a (domestic) (foreign) corporation by delivering thereat a true copy of each to personally, deponent knew said corporation so served to be the corporation described in legal papers and knew individual to be thereof

SUITABLE AGE PERSON C ☒ — by delivering thereat a true copy of each to GLENDORA BUELL a person of suitable age and discretion. Said premises is recipient's (actual place of business) (dwelling house) (usual place of a within the state. ☒ (S) He identified (her) himself as CO-TENANT/WIFE of rec

AFFIXING TO DOOR, ETC. D ☐ — by affixing a true copy of each to the door of said premises, which is recipient's (actual place of business) (dwelling house) (usual of abode) within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, th having called there on the dates below:

MAILING USE WITH C or D ☒ — Deponent also enclosed a copy of same in a postpaid sealed wrapper properly addressed to the above rec at 21 GREENRIDGE AVE. APT. A-2 WHITE PLAINS, NY 10605 and dep said wrapper in (a post office) official depository under exclusive care and custody of the United States Postal Se within New York State. Mailed on 02/27/97 CERTIFIED & REGULAR MAIL

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Wei (Appr
FEMALE	WHITE	GREY	65	5'5	150

MILITARY SERVICE ☒ — Person spoken to was asked whether the recipient(s) was (were) in the military service of the State of New York or the States and received a negative reply. Upon information and belief based upon the conversation and observation as afc deponent avers that the recipient(s) is (are) not in the military service of the State of New York or the United States as that defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

That at the time of such service deponent knew the person (s) so served as aforesaid to be the same person (s) mentioned and des as the defendant(s) in this action.

* MAILED TO THE ABOVE ADDRESS IN AN ENVELOPE MARKED PERSONAL & CONFIDENTIAL

USE IN NYC CIVIL CT. ☐ — The language required by NYCRR 2900.2(e). (f) & (h) was set forth on the face of said summons (es).

MAR 3 1997

Sworn to before me on the 02/27/97

GERI L. ALBERT
Notary Public, State of New York
No. 01AL5047399
Qualified in Westchester County
Commission Expires July 31, 199

PATRICK J. RUTO

LICENSE No. 796483

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Attorney:
LEHRMAN & KRONICK ATTORNEYS AT

COUNTY OF WESTCHESTER

JOHN PORZIO — Plaintiff(s)

- against -

GLENDORA BUELL AND FRANKLIN BUELL — Defendant(s)

Index No.

AFFIDAVIT OF SERVICE OF:

NOTICE OF TERMINATION

STATE OF NEW YORK: COUNTY OF WESTCHESTER ss:

PATRICK J. RUTO BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A P/ TO THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on 02/26/97 at 1600 Hours at 21 GREENRIDGE AVE. APT. A-2 WHITE PLAINS, NY 10605 deponent served the within NOTICE OF TERMINATION

GLENDORA BUELL therein named,

INDIVIDUAL A [X] — by delivering a true copy of each to said personally; deponent knew the person so served to be the person described as said p therein. [X] (S) He identified (her) himself as such.

CORPORATION B [ ] — a (domestic) (foreign) corporation by delivering thereat a true copy of each to personally, deponent knew said corporation so served to be the corporation described in legal papers and knew individual to be thereof

SUITABLE AGE PERSON C [ ] — by delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is recipient's (actual place of business) (dwelling house) (usual place of a within the state. [ ] (S) He identified (her) himself as of re:

AFFIXING TO DOOR, ETC. D [ ] — by affixing a true copy of each to the door of said premises, which is recipient's (actual place of business) (dwelling house) (usua of abode) within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, th having called there on the dates below:

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Deponent further states that he describes the person actually served as follows

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx).	We (App
FEMALE	WHITE	GREY	65	5'5	150

MILITARY SERVICE [X] — Person spoken to was asked whether the recipient(s) was (were) in the military service of the State of New York or the States and received a negative reply. Upon information and belief based upon the conversation and observation as af deponent avers that the recipient(s) is (are) not in the military service of the State of New York or the United States as that defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

That at the time of such service deponent knew the person (s) so served as aforesaid to be the same person (s) mentioned and des as the defendant(s) in this action.

STATE OF NEW YORK DEPT OF HOUSING & COMMUNITY RENEWAL RENT ADMINISTRATION

MAR 3 1997

WESTCHESTER OFFICE 85 DALEY STREET WHITE PLAINS, NY 10601

USE IN NYC CIVIL CT. [ ] — The language required by NYCRR 2900.2(e). (f) & (h) was set forth on the face of said summons (es).

Sworn to before me on the 02/27/97

GERI L. ALBERT
Notary Public, State of New York
No. 01AL5047399
Qualified in Westchester County
Commission Expires July 31 [illegible]

PATRICK J. RUTO

LICENSE No.

19. Glendora was a stranger. She had never met Patrick Ruto in her whole life. She had never spoken to him.

20. She cried for America how its courts and agencies are violated by sewer service.

21. Immediately she filed a criminal complaint against Patrick Ruto with the District Attorney.

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OFFICE OF THE
DISTRICT ATTORNEY
COUNTY OF WESTCHESTER

JEANINE PIRRO
DISTRICT ATTORNEY

COURTHOUSE
111 Grove Street
White Plains, N.Y. 10601-2507
(914) 285-2000

COMPLAINT INFORMATION FORM

Please complete this form by typing or printing clearly in dark ink.
Enclose copies of important papers concerning your complaint.

Complainant Information

Your Name GLENDORA	Home Tel. 914 949 9495
Street Address Box 416	Bus. Tel.
City/Town White Plains, State NY Zip 1060	

Target Information

Name/Business Name Patricia J. Ruto license # 796483	Home Tel.
Street Address none given	Bus. Tel.
City/Town State Zip	

DESCRIBE YOUR COMPLAINT ON BACK, INCLUDING DATE AND LOCATION:

DO NOT WRITE BELOW THIS LINE

Complaint Number: Complaint Category:
Date Opened: Opened By:
Date Closed: Closed By:
Restitution (?): Amount: Investigation Case No.:
Disposition:

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4/2/97/wed/5:33 PM

Patricia J. Ruto committed perjury. He never served upon me any papers at all that I know of. I have never met the man. I have never talked to him. I have never seen him. He is not kin to me. He has filed two false instruments. I request he be prosecuted, arrested, fined and jailed. I have never seen anybody named Patricia J. Ruto. I do not know what he looks like. I did not speak to anybody 2/26/97 at 1600 person I was alone in my home all that day. I did not talk to any body except by phone, ie, anybody but my husband in the morning and in the evening. Nobody rapped on my door. Further Mr. Ruto lied under oath that I accepted servce for my husband. I never saw nor talked to Mr. Ruto in my life. Further Mr. Ruto lies under oath that he sent us a notice by regular mail. We never received it. Further he lied that he sent a notice by certified mail. We never received any. He cannot produce proof. The description of me is also falsified. So there are two false instruments. He has commited two crimes, and I want him arrested under the law and prosecuted. Further no address for Mr. Ruto is provided. We got three affidavit of service from the NY Ditch, 55 Church St. White Plains NY 10601 Pat Esposito made copies of them. We also got a copy of said notice of termination from the Ditch and both Franklyn and I have answered same and contested its allegations. The landlord, John Porzio 2 Old Mamaroneck Ave, White Plains NY 10603 has received 2 checks a month from Franklyn for 4 years. He should know by now how to spell Franklyn's name. I know no person named "Franklin Buell". Geon Albert notarized two false instruments. I declare under penalty of perjury I have told you the truth, the whole truth and nothing but the truth

Signature: Glendora

Date 4/2/97/wed/6:10 pm

22. Franklyn asked Mrs Esposito about the letter on 3/27/71.

914 948 134 3/27/1971

Mr. Roldan
Deputy Commissioner
NYS DHCR
55 Church st
White Plains, NY 10601

LC91-0002E(EN)

We are bothered all weekend by your letter saying Mr. Porzio served us a notice to vacate that complies with NYS Rent regulation and specifies section 2504.1 and 2504.2

We know we have not done anything to be evicted. When do we get to tell our side?

And we were not served. we rely on the ETPA and the NYS Dept to fight eviction.

It worries us when you tell us to wait for an order to evict from a court. That worries us. We want to stop any such order. what do we do?

Aren't you there to protect us from being evicted?

We are senior citizens, 68 and 78.

Could you please give us a copy of § 2504.1 and 2504.2 of the Tenant Protection Regulations?

Is that the Emergency Tenant Protection Act?

Would you please send us a copy of what Mr. Porzio sent to you?

Mr. Porzio cashes Franklyn's checks every month, yet he can't spell his name correctly.

We did not sign a lease with anybody named Lehrman and Kronick at 149 main st, White Plains, NY 10601. John Porzio's mailing address is 2 Old Mamaroneck White Plains, NY 10605 or Box 254, Gedney Station, White Plains 10605.

If Mr. Porzio were serious, he would serve us. He would use certified mail or a process server.

Dated: March 27, 1947
White Plains, New York

Yours in truth
Glendora and Franklyn

Box 416
White Plains, N.Y. 10602

page 21

23. Glendora answered the notice of termination in great detail: 14 pages. They refuted every lie in it. He handed it in to Porzio and to the DTCR. The date was March 29, 1997 writing it and April 2, 1997 submitted.

24. Franklyn went back to the DTCR April 2, 1997 and a) handed in said answer talked to Mr. Levine, showed him the two letters to Roldan, showed him the complaint. Mr. Levine looked over the complaint and said, "Yes, we'll take this." They had no record at that time of the complaints coming through US mail.

25. April 8, 1997 around 10pm Glendora came home from Hicksville, Long Island where she had been since 9am editing her television all day at Cablevision. She found a notice of petition and petition that had been slid under her front door (only one door for egress, ingress).

26. April 9, 1997 she and Franklyn visited the landlord Atenzent clerk at the White Plains City Court about said petition. Clerk Betty Stewart had not received the petition. Glen was telling Betty that the date of its hearing, April 18, Glen was in the United States Dist. Court before USMJ Smith, and hence an adjournment is necessary. Betty said, "Put that in your answer."

27 At that very moment a man appeared holding papers. Betty said "Here it is." So it was. G asked for a copy of the affidavits of service. Betty furnished same.

28 Again Glendora was outraged. Again Glendora wept for the United States of America for abuse of its solemn courts.

29. Following are the affidavits of service.

CITY COURT CITY OF WHITE PLAINS — LEHRMAN & KRONICK ATTORNEYS AT LA
COUNTY OF WESTCHESTER

JOHN PORZIO — Plaintiff(s)

- against -

GLENDORA BUELL AND FRANKLIN BUELL — Defendant(s)

Index No.

COURT DATE 04/18/97

AFFIDAVIT OF SERVICE OF:

NOTICE OF PETITION AND PE
TO RECOVER REAL PROPERTY

STATE OF NEW YORK: COUNTY OF WESTCHESTER SS:

WARREN CHEATEM BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on 04/08/97 at 1455 Hours at 21 GREENRIDGE AVE. APT. A-2 WHITE PLAINS, NY 10605 deponent served the within NOTICE OF PETITION AND PET. TO RECOVER REAL PROPERTY on GLENDORA BUELL therein named,

INDIVIDUAL A [X] — by delivering a true copy of each to said personally; deponent knew the person so served to be the person described as said person therein. [X] (S) He identified (her) himself as such.

CORPORATION B [ ] — a (domestic) (foreign) corporation by delivering thereat a true copy of each to personally, deponent knew said corporation so served to be the corporation described in legal papers and knew said individual to be thereof

SUITABLE AGE PERSON C [ ] — by delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is recipient's (actual place of business) (d- "ling house) (usual place of abode) within the state. [ ] (S) He identified (her) himself as of recipient

AFFIXING TO DOOR, ETC. D [ ] — by affixing a true copy of each to the door of said premises, which is recipient's (actual place of business) (d elling house) (usual place of abode) within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, thereat, having called there on the dates below:

MAILING USE WITH C or D [ ] — Deponent also enclosed a copy of same in a postpaid sealed wrapper properly addressed to the above recipient at and deposited said wrapper in (a post office) official depository under exclusive care and custody of the United States Postal Service within New York State.

Deponent further states that he describes the person actually served as follows

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx)	Weight (Approx.)
FEMALE	WHITE	GREY	65	5'5	145

MILITARY SERVICE [X] — Person spoken to was asked whether the recipient(s) was (were) in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the recipient(s) is (are) not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

That at the time of such service deponent knew the person (s) so served as aforesaid to be the same person (s) mentioned and described as the defendant(s) in this action.

USE IN NYC CIVIL CT. [ ]

Sworn to before me on the 04/09/97

GERI L. ALBERT
Notary Public, State of New York
No. 01AL5047399
Qualified in Westchester County
Commission Expires July 31, 1997

Warren Cheatem
WARREN CHEATEM
LICENSE No.
0932035

The language required by NYCRR 2900.2(e). (f) & (h) was set forth on the face of said summons (es).

1110

page 24

CITY COURT CITY OF WHI PLAINS — LEHRMA KRONICK ATTORNEYS AT LA
COUNTY OF WESTCHESTER

Attorney

JOHN PORZIO — Plaintiff(s)

- against -

GLENDORA BUELL AND FRANKLIN BUELL — Defendant(s)

Index No.

COURT DATE 04/18/97

AFFIDAVIT OF SERVICE OF:

NOTICE OF PETITION AND PE
TO RECOVER REAL PROPERTY

page 25

STATE OF NEW YORK: COUNTY OF WESTCHESTER SS:

WARREN CHEATEM BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on 04/08/97 at 1455 Hours at 21 GREENRIDGE AVE. APT. A-2 WHITE PLAINS, NY 10605 deponent served the within NOTICE OF PETITION AND PET. TO RECOVER REAL PROPERTY on FRANKLIN BUELL therein named.

INDIVIDUAL A [ ] — by delivering a true copy of each to said personally; deponent knew the person so served to be the person described as said person therein. [ ] (S) He identified (her) himself as such.

CORPORATION B [ ] — a (domestic) (foreign) corporation by delivering thereat a true copy of each to personally, deponent knew said corporation so served to be the corporation described in legal papers and knew said individual to be thereof

SUITABLE AGE PERSON C [X] — by delivering thereat a true copy of each to GLENDORA BUELL a person of suitable age and discretion. Said premises is recipient's (actual place of business) (dwelling house) (usual place of abode) within the state. [X] (S) He identified (her) himself as CO-TENANT of recipient

AFFIXING TO DOOR, ETC. D [ ] — by affixing a true copy of each to the door of said premises, which is recipient's (actual place of business) (dwelling house) (usual place of abode) within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, thereat, having called there on the dates below:

MAILING USE WITH C or D [X] — Deponent also enclosed a copy of same in a postpaid sealed wrapper properly addressed to the above recipient at 21 GREENRIDGE AVE. APT. A-2 WHITE PLAINS, NY 10605 and deposited said wrapper in (a post office) official depository under exclusive care and custody of the United States Postal Service within New York State. Mailed on 04/09/97 CERTIFIED & REGULAR MAIL

Deponent further states that he describes the person actually served as follows

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx)	Weight (Approx.)
FEMALE	WHITE	GREY	65	5'5	145

MILITARY SERVICE [X] — Person spoken to was asked whether the recipient(s) was (were) in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the recipient(s) is (are) not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

That at the time of such service deponent knew the person (s) so served as aforesaid to be the same person (s) mentioned and described as the defendant(s) in this action.

* MAILED TO THE ABOVE ADDRESS IN AN ENVELOPE MARKED PERSONAL & CONFIDENTIAL

USE IN NYC CIVIL CT. [ ]

Sworn to before me on the 04/09/97

GERI L. ALBERT
Notary Public, State of New York
No. 01AL5047399
Qualified in Westchester County
Commission Expires July 31, 1997

Warren Cheatem
WARREN CHEATEM
LICENSE No.
0932035

The language required by NYCRR 2900.2(e). (f) & (h) was set forth on the face of said summons (es).

11

31. April 11, 1997, Friday I met with the Assistant District Attorney (The DA is Jeanine Pirro) for two hours! about the Ruto perjury and filing of fake instruments.

32. Glendora told ADA Frank Carroll about the latest perjury and filing of false instruments: Warren Cheatem. Mr. Carroll gave Glendora a form and asked she file a second complaint.

33. The second complaint follows.

4/14/97 MON

EANINE PIRRO
DISTRICT ATTORNEY

OFFICE OF THE
DISTRICT ATTORNEY
COUNTY OF WESTCHESTER

COURTHOUSE
111 Grove Street
White Plains N.Y. 10601
(914) 285-2000

COMPLAINT INFORMATION FORM

Please complete this form by typing or printing clearly in dark ink.
Enclose copies of important papers concerning your complaint.

Complainant Information

Your Name	Home Tel.
GLENDORA	914 949 9495
Street Address	**Bus. Tel.**
BOX 416	
City/Town **State** **Zip**	
White Plains, NY 10602	

Target Information

Name/Business Name	Home Tel.
Warren Cheatem	
Street Address license # 0932035	**Bus. Tel.**
none given	
City/Town **State** **Zip**	

DESCRIBE YOUR COMPLAINT ON BACK, INCLUDING DATE AND LOCATION:

DO NOT WRITE BELOW THIS LINE

Complaint Number: Complaint Category:

Date Opened: Opened By:

Date Closed: Closed By:

Restitution (?): Amount: Investigation Case No.:

Disposition:

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4|14|97|M11002A

Glendora wants Warren Cheatem arrested, fined and jailed for filing two false instruments and for committing perjury. See the two affidavits of service attached signed by him 4|9|97 and notarized. He never saw me personally 4|8|97|1455. I do not know who he is. I have never met him personally. He did not see me at the White Plains address that day at any other day. 4|8|97|255 PM I was in the Valhalla New York, 111 New South Road, 2nd fl editing my TV show "A Chat with Glendora" at Cablevision Systems Corporation. I never saw a Warren Cheatum in my life. He never served me any paper personally. I never identified myself to him. My hair color is not grey. Cheatem never asked me about military service. I never accepted substitute service for Franklyn Buell from Wayne Cheatum in my whole life. We have never received any envelope from anybody containing a notice of petition and a petition to recover real property, not regular mail, not certified, not return receipt requested. Warren Cheatem is lying, has committed perjury and has filed two false instruments with the City Court of the City of White Plains. When a man handed in a notice of petition and petition to Betty Stewart, Clerk in said Court 4|8|97|Wed|1130A Glendora and Franklyn were at said window talking to Clerk Stewart. We asked to see the affidavits of service attached and asked for copies of same. Glendora and Franklyn answered the petition 4|8 and 4|9, and it is being served today. "Cheatem" is an appropriate name for the perjurer.

Yours in truth,

Signature: Glendora

Date 4|14|97|Mon|1016A

page 29

30. We answered the petition. Our answer was 96 pages long. It was submitted timely April 14, personal service on Mr. Porzio, on Mr. Lehrman Esq, on the NYSDHC and on the City Court of White Plains. It was the same day Franklyn served Lt. Evans. And the Cheatem complaint was submitted to the ADA Carroll.

31. Erstwhile USMJ Smith changed the April 18 hearing date to April 23 to suit her calender.

32. April 18, 1997 Glendora submitted a motion to dismiss the action against her. She asked for dismissal on 20 grounds, the first being no in personam jurisdiction. Mr Porzio and Mr. Lehrman had not given the City Court personal jurisdiction. The judge was the Honorable John F. Holden retiring at 70 some time this year. Judge Holden set a firm date for Mr. Lehrman to have his opposition to Glendora's motion to dismiss in Glendora's hands: April 23 Friday, one week hence. Next hearing date was set for May 2, 1997, Friday.

33. The April rent was paid to Mr. Lehrman at the bench. Mr. Porzio had returned the April 1 checks, April Fool.

34. Glendora had asked for a traverse hearing on the service 3 times.

35. Saturday, Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Glendora still had not been served personally the notice of termination, the notice of petition, nor the opposition to her motion to dismiss this action.

36. April 30, Wednesday none of these had arrived. So Glendora wrote and handed in a memorandum this day telling the Court what you read in ¶ 35 supra. The Judge is now Jo Ann Frila. (Holden and Frila alternate civil and criminal by 2-week periods.)

37. May 1, 1997, Thursday, Glendora's birthday, near eventide, Glendora received an opposition to her motion to dismiss written by Mark Guterman, Esq. Also there was a cross-motion for discovery of Glendora's video and audio tapes and

2 doctors re. Irrogetary also Mr. Buell's health. He is 78, has a heart condition, doesn't eat enough and gets more and more frail daily, and a move would possibly result in his death.

38. Glendora began her reply affirmation but did not have time to finish it before court date 9am next day Friday, May 2nd.

39. Judge Frila had the opposition to motion to dismiss. Glendora just got it last night. This is not right.

40. Very methodically after Glendora mentioned failure of Portnoi Lehrman to give the Court in-personam jurisdiction, Judge Frila went through the file, put all papers in chronological order and said she would make a decision by next Friday May 9, 1997 9am. Glendora respected the careful and organized way Judge Frila went through the papers.

41. Glendora asked again for a traverse hearing. "No hearings until I write this decision."

42. Said she, "If there isn't a secretary to type the decision, I'll read it from the bench

page 32

may 9.th

43. The next day Saturday May 3 Glendora received the following fam Mark Guterman. Again she is outraged and infuriated by the perjury and filing of a false instrument and weeps for America and abuse of its courts of laws.

CITY COURT OF WHITE PLAINS
COUNTY OF WESTCHESTER
----------X

JOHN PORZIO,

Petitioner

REPLY AFFIRMATION

- against -

Hon.

GLENDORA BUELL and FRANKLIN BUELL,

Index No.

Respondents.

----------X

MARK A. GUTERMAN, an attorney admitted in New York, affirms, under penalties of perjury:

1. I am of counsel to the firm Lehrman & Kronick, LLP, attorneys for the petitioner in the above-captioned matter and, as such, have sufficient knowledge of the facts and circumstances related, below.

2. I make this affirmation in opposition to the respondents' motion to dismiss and in support of the petitioner's cross-motion granting petitioner the right to conduct limited discovery in this matter.

3. We have, today, received a "Memorandum by Glendora," dated April 30, 1997. In it, Respondent Buell states that she has not received any papers from Petitioner pursua. to the schedule set in Court on April 18.

4. Your affirmant appeared in Court on April 18, and agreed to the schedule which effectively gave me only three days to oppose Respondents' motion (due to the Passover holiday). None the less, on Friday afternoon, I personally went to the subject premises serve Petitioner's opposition papers.

5. I ascertained the location of the subject apartment and, the main door to the building being locked, knocked at an open window and asked if Mrs. Buell has present.

6. In response to my question, Mrs. Buell identified herself as

44. This is the third perjury! This is the 4th third filing of a false instrument.

45 The outside door to our building is never locked. It doesn't even have a lock.

46. Glendora never identified herself. I have never seen Mr. Guterman eyeball to eyeball, face to face. I have no idea what he looks like.

47. God bless America.

48. Now the incident related these last two pages has nothing to do with in personam jurisdiction since Mr Guterman allegedly was talking about an opposition to a motion

not about the notice of termination nor the notice of and petition to vacate.

49. Mr. Guterman's paper continued for page 2 and ended on page 3 as follows.

WHEREFORE, your affirmant respectfully prays that this Court enter an Order: (a) Denying the Respondents' motion, in all respects; (b) Granting Petitioner's cross-motion for limited discovery; and, (c) Granting such additional and further relief as this Court deems just and proper.

Dated: White Plains, New York
April 30, 1997

MARK A. GUTERMAN

50. He actually signed his name to the lies.

51 5/5/97 Monday Glendora went to the Judge Fria court with her reply affirmation to her motion to dismiss and with her outraged protest to Gutermans perjury and filing of a false instrument.

52. Glendora waited an hour while Jo Ann Fria entertained the second graders from Mamaroneck Ave school and let each one sit in her chair at the bench. Glendora respects this.

53. But when the NYS Court Officer told the Judge Glendora wanted to speak to her, the Judge declined and said it would not be fair to Mr. Guterman, since he was not present. So since Judge Fria had just dealt with 20 parking and traffic violations, Glendora told her todays joke. The judge said to the defendant, "Why did you park there?" The defendant said, "there was a sign that said 'fine for parking'".

54. You can't beat the English language when it comes to double meaning - We park on a driveway and drive on a parkway.

55. Glendora filed a third complaint with the Westchester County District Attorney for perjury and filing a false statement; this time it was against Mark Guterman.

56. May 9 Friday 1030A we were called to the bench. Judge Jo Ann Fria did not get her decision typed and read her order from the bench. There was no court stenographer (thank heaven) the proceeding was audiotaped by the Court. J. Fria had ten minutes earlier refused Glendora

request thru the NYS Court Officer to make her own audiotap: "Absolutely not!" This too is not right.

57. Judge Jo Ann Friia denied the motion to dismiss and allowed Goterman the discovery on Franklyn's doctor and on Glendora's audiotapes. She set the trial for July 12 and July 13 at 2pm both days.

58. She accepted the affirmations of service as grounds for in personam jurisdiction. And hence we have this federal lawsuit. Glendora's civil rights are violated under 47 USC § 1983 and § 1985, the 5th and 14th amendments.

59. She denied a traverse hearing.

60. Franklyn said, "We were in Long Island are of those times and have witnesses." Adamantly and even bluntheadedly Jo Ann Friia said, "The declarants made." Her intransigence on accepting lies was devastating.

60. Glendora loves Jo Ann Friia dearly. When Jo Ann was president of the Women Bar Association, Glendora had JAF on A Chat with Glendora TV show. G respects JAF, admires her and praises her.

61. Glendora cries for America and the adulteration of her courts. Sewer service has to be stopped, and here is the case to stop lying process servers, lying lawyers who pay for it and judges who allow it. I am sorry, Jo Ann; I have to choose between you and my country.

WHEREFORE

Glendora pleads that the United States District Court/Southern District of New York stand up for the USA and stop this perjury and filing of false instruments all over the country by

a. imposing on these defendants $3 million compensatory and punitive damages

b. the costs of this action be taxed against defendants

c. granting plaintiff a stay of all proceedings in the White Plains City Court during the pendency of this action in the USDC/SDNY

653-690 5/12/1997 M

d. granting plaintiff any further and different relief that is just and proper.

DATED: White Plains, New York
May 11, 1997, Mother's Day

Yours in truth,

Glendora $15.40

9 3/4 hours

Glendora
A Chat with Glendora
Box 416
White Plains, NY 10602

Sewer service has to be stopped.

REASONS FOR GRANTING THE PETITION

So the USDC and USCA, 2nd, your little brothers and sisters, stood up for sewer service, no in personam jurisdiction and robbing of traverse hearing, and you should spank them. These matters are not frivolous. The burden of proving false or incomplete financial affidavits is on the accusers. They cannot produce proof because it has not happened. Lucile Carr is committing perjury. This is not an order; it is not signed by 3 judges. One of them is not a circuit judge. Glendora objects.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Glendora

Date: Dec 9, 1997, Anno Domini

S.D.N.Y.
97-cv-3934
Griesa, C.J.

UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse, Foley Square, in the City of New York, on the first day of December one thousand nine hundred and ninety-seven,

Present: Hon. John M. Walker, Jr.,
Hon. Dennis Jacobs,
Circuit Judges,
Hon. Charles L. Brieant,
District Judge.

UNITED STATES COURT OF APPEALS
FILED
DEC - 1 1997
GEORGE LANGE III
SECOND CIRCUIT

Glendora,

Plaintiff-Appellant,

v.

John Porzio, et al.,

Defendants-Appellees.

97-7747

A motion having been made herein by appellant *pro se* for leave to proceed *in forma pauperis*, upon consideration thereof, it is ordered that said motion be and it hereby is denied, and the appeal is dismissed as so indisputably lacking in merit as to be frivolous within the meaning of 28 U.S.C. § 1915(e). See Neitzke v. Williams, 490 U.S. 319 (1989). Appellant is warned, for a third time, that false or incomplete financial affidavits submitted to this Court may result in the imposition of monetary or other sanctions, and may be grounds for prosecution for perjury under 18 U.S.C. § 1621. See Glendora v. DiPaola, No. 96-9659 (2d Cir. Apr. 23, 1997) (DJ JLO FXA); Glendora v. Sullivan, No. 97-7518 (2d Cir. July 25, 1997) (RKW JMW JMcL). In addition, appellant is warned for a second time that she may also be subject to sanctions if she initiates any further litigation of frivolous claims or appeals. In re Martin-Trigona, 9 F.3d 226, 228 (2d Cir. 1993); see Glendora v. DiPaola, No. 96-9659 (2d Cir. Apr. 23, 1997) (DJ JLO FXA).

FOR THE COURT:
GEORGE LANGE III, CLERK

By: Lucille Carr

USCA Order 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

97 CIV. 3934

GLENDORA,

Plaintiff,

-against-

JOHN PORZIO, FREDRIC LEHRMAN, MARK GUTERMAN, PATRICK RUTO, WARREN CHEATEM AND JO ANN FRIIA,

Defendants.

CIVIL

JUDGMENT

MAY 23 2:24 PM '97

Pursuant to the order issued _____ by the Honorable Thomas P. Griesa, Chief Judge, dismissing the complaint, it is,

ORDERED, ADJUDGED AND DECREED: That the complaint be and it is hereby dismissed. 28 U.S.C. § 1915(e)(2). We certify pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from the Court's order would not be taken in good faith.

Thomas P. Griesa

THOMAS P. GRIESA
Chief Judge

Dated: New York, New York

THIS DOCUMENT WAS ENTERED ON THE DOCKET ON _____.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GLENDORA,

Plaintiff,

-against-

JOHN PORZIO, FREDRIC LEHRMAN, MARK GUTERMAN, PATRICK RUTO, WARREN CHEATEM AND JO ANN FRIIA,

Defendants.

ORDER OF DISMISSAL

97 CIV. 8984

Pro se plaintiff brings this action, by Order to Show Cause, under "42 U.S.C. §§ 1983 and 1985" for violation of her rights under the "5th and 14th Amendments." (See Complaint at ¶ 5[illegible]. In essence, plaintiff is dissatisfied with defendants' conduct in an ongoing dispute between plaintiff and her landlord, defendant Porzio. Plaintiff alleges, *inter alia*, that Judge Friia, a "City Judge" of the City of White Plains, "accepted the affidavits of service as grounds for *in personam* jurisdiction" despite plaintiff's contention that those affidavits contained various perjured statements. Plaintiff seeks to "stop" "sewer service" and the "lying process servers [presumably defendants Ruto and Cheatem], lying lawyers who pay for it [presumably defendants Lehrman and Guterman] and judges who allow it [presumably defendant Friia]." Plaintiff also seeks "$3 million compensatory and punitive damages," costs, and "a stay of all proceedings in White Plains City Court during the pendency of this action." We grant plaintiff's request to proceed in forma pauperis, but deny her requests for injunctive relief and for appointment of counsel and dismiss her complaint for the following reasons.

DISCUSSION

When evaluating plaintiff's allegations this Court must accept as true the factual allegations in the complaint and construe all reasonable inferences in plaintiff's favor. See generally Leatherman v. Tarrant County Narcotics Intelligence & Coord. Unit, 507 U.S. 163, 164 (1993); Hernandez v. Coughlin, 18 F.3d 133, 136 (2d Cir.), cert. denied, ___ U.S. ___, 115 S. Ct. 117 (1994). Moreover, where a plaintiff is proceeding *pro se*, the Court must "read the supporting papers liberally and . . . interpret them to raise the strongest argument that they suggest." Soto v. Walker, 44 F.3d 169, 173 (2d Cir. 1995). In so doing, we must generally hold plaintiff to a pleading standard which is "less stringent than formal pleadings drafted by lawyers." Haines v. Kerner, 404 U.S. 519, 520-21 (1972) (per curiam). However, the instant plaintiff is no stranger to the courts. See Buell v. Cablevision, N.Y.L.J., Sept. 27, 1996 at p. 32, c. 2 (N.Y. Civ. Ct. Sept. 27, 1996), (referring to Glendora's "blizzard of lawsuits").[1] The allegations

[1]In this Court alone, plaintiff has brought at least twelve (12) lawsuits. Six (6) of these actions are currently on appeal to the Second Circuit:

Glendora v. DiPaula, 96 Civ. 7821 (TPG) (S.D.N.Y. Oct. 16, 1996); Glendora v. Tele-Communications, 96 Civ. 4270 (BSJ), 1996 WL 721077 (S.D.N.Y. Dec. 13, 1996); Glendora v. Malone, 96 Civ. 0140 (JSR), 1996 WL 671224 (S.D.N.Y. Nov. 12, 1996), on appeal, 96-9686 (2d Cir.); Glendora v. Magness, 96 Civ. 7518 (JSR); Glendora v. Hostetter, 95 Civ. 6814 (BDP); and Glendora v. Cablevision System Corp., 93 Civ. 8344 (CLB).

One (1) of these actions is currently pending in this Court:

Glendora v. City of White Plains, 97 Civ. 1961 (HB) (partially dismissed *sua sponte*).

in plaintiff's prior complaints suggest that plaintiff is familiar with pleading requirements and the legal system. Thus, although we have not done so in the instant Order, plaintiff is advised that it may be appropriate to show her less deference than would generally be accorded to a *pro se* litigant. See generally Davidson v. Flynn, 32 F.3d 27 (2d Cir. 1994) (*Pro se* plaintiff who was "extremely litigious" and "quite familiar with the legal system and pleading requirements" was not given opportunity to amend deficient complaint). Furthermore, plaintiff is hereby cautioned that the further filing of non-meritorious cases may result in the issuance of an order barring the acceptance of any future complaints for filing without first obtaining leave of court to do so. 28 U.S.C. § 1651.

As an initial matter, plaintiff's claims against defendant Friia must be dismissed. Judges have absolute immunity from suit for judicial acts performed in their judicial capacities. Mireles v. Waco, 502 U.S. 9, 11 (1991) (per curiam) ("judicial immunity is an immunity from suit, not just from the ultimate assessment of damages.") (citation omitted); see also Stump v. Sparkman, 435 U.S.

The remaining five (5) actions are closed:
Glendora v. Dolan, 871 F. Supp. 174 (S.D.N.Y. 1994), aff'd, 48 F.3d 1212 (2d Cir. 1995), cert. denied 115 S. Ct. 1827 (1995); Glendora v. Gannet Company Inc., 858 F. Supp. 369 (S.D.N.Y.), aff'd, 40 F.3d 1238 (2d Cir. 1994), cert. denied 115 S. Ct. 1435 (1995); Glendora v. Duberstein, 93 Civ. 4263 (CES) (S.D.N.Y. Aug. 24, 1993), aff'd, 41 F.3d 1502 (2d Cir. 1994); Glendora v. Duberstein, 93 Civ. 3511 (GLG) (S.D.N.Y. June 8, 1993); Glendora v. Franklin Chem Ind., 83 Civ. 6908 (CES) (S.D.N.Y. Dec. 6, 1984).

349, 356, reh'g denied, 436 U.S. 951 (1978); Pierson v. Ray, 386 U.S. 547, 553-55 (1967); Oliva v. Heller, 839 F.2d 37 (2d Cir. 1988); Forrester v. White, 484 U.S. 219, 225 (1988). This absolute "judicial immunity is not overcome by allegations of bad faith or malice," nor can a judge "be deprived of immunity because the action he took was in error . . . or was in excess of his authority." Mireles, 502 U.S. at 11 (quoting Stump, 435 U.S. at 356). As each instance of the alleged wrongdoing of defendant Friia was an act performed in a judicial capacity, plaintiff's claim is foreclosed by absolute immunity and is subject to dismissal because it "lacks an arguable basis either in law or in fact." Neitzke v. Williams, 490 U.S. 319, 325 (1989) (claim against immune defendant dismissable *sua sponte*).

Plaintiff's claims against defendants Porzio, Lehrman, Guterman, Ruto and Cheatem must also be dismissed. A claim for relief under § 1983 must allege facts showing that the defendants acted under color of a state "statute, ordinance, regulation, custom or usage," 42 U.S.C. § 1983, and private parties, thus, are not generally liable. Rendell-Baker v. Kohn, 457 U.S. 830, 838-42 (1982); Flagg Bros. Inc. v. Brooks, 436 U.S. 149, 155-57 (1978); Moose Lodge No. 107 v. Irvis, 407 U.S. 163, 173 (1972); Adickes v. S.H. Kress & Co., 398 U.S. 144, 152 (1970); see also Sturm v. Schrank, 43 B.R. 755 (S.D.N.Y. 1984) ("lawyers and other persons who participate in highly regulated professions do not, absent more, act under color of State law for purpose of liability under 42 U.S.C. § 1983). As defendants Porzio, Lehrman, Guterman, Ruto

and Cheatem are private parties who are not alleged to work for any state or other government body, a cognizable claim under section 1983 is not presented.

With regard to plaintiff's allegations of a conspiracy to deprive her of her constitutional rights under 42 U.S.C. § 1985, the claim is dismissed as to all defendants. Plaintiff has failed to allege facts sufficient to show the existence of any conspiracy designed to deprive her of her rights. Singer v. Fulton County Sheriff, 63 F.3d 110 (2d Cir. 1995) ("Although the pleading of a conspiracy will enable a plaintiff to bring suit against purely private individuals, the lawsuit will stand only insofar as the plaintiff can prove . . . the violation of a federal right."); see Ostrer v. Aronwald, 567 F.2d 551, 553 (2d Cir. 1977). Where, as here, the claims of conspiracy are vague and provide no basis in fact, they must be dismissed. Polur v. Raffe, 912 F.2d 52, 56 (2d Cir. 1990) (citations omitted), cert. denied, 499 U.S. 937 (1991).

Finally, insofar as plaintiff seeks review of Judge Friia's rulings in Poria v. Buell, which is currently pending in the City Court of White Plains, the complaint is dismissed. The Supreme Court has held in both Rocker v. Fidelity Trust Co., 263 U.S. 413, 415-16 (1923) and District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 482-86 (1983) (the "Rocker-Feldman doctrine") that a United States District Court has virtually no authority to review either final judgments of state courts or issues that are "`inextricably intertwined' with [the state court's] decision...." Neu v. Abrams, 867 F. Supp. 236, 238 (S.D.N.Y. 1994) (quoting

Feldman, 460 U.S. at 483-484 n. 16). Since the substance behind plaintiff's allegations appears to have been addressed in the state court proceedings, and because "the relief sought in [this] court requires a finding that `the state court was wrong,...th[is attempted] federal proceeding...[would be]...a prohibited appeal of the state court judgment,'" Odom v. Columbia University, 906 F. Supp. 188, 196 (S.D.N.Y. 1995) (quoting Pennzoil v. Texaco, 481 U.S. 1, 25, (1987) (Marshall, J., concurring), review of plaintiff's claims would be proper only in state court and, ultimately, if appropriate, in the United States Supreme Court. 28 U.S.C. § 1257(a). Since this Court lacks jurisdiction to review plaintiff's claims under the Rocker-Feldman doctrine, they are dismissed.

Accordingly, the order to show cause and application for appointment of counsel are denied and the complaint, filed in forma pauperis under 28 U.S.C. § 1915 (a)(1), is dismissed. 28 U.S.C. § 1915 (e)(2). We certify pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED

Thomas P. Griesa

THOMAS P. GRIESA
Chief Judge

Dated: New York, New York

40

No. _____

_____

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1995

_____

Glendora _____ — PETITIONER

(Your Name)

VS.

John Doe _____ - RESPONDENT(S)

PROOF OF SERVICE

I, Glendora _____, do ~~swear or~~ declare that on this date, _____, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on ~~each party to the above proceeding or~~ that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid.

The names and addresses of those served are as follows:

_____

_____

_____

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 19__

Nobody appeared, Glendora _____

(Signature)

Per Curiam

SUPREME COURT OF THE UNITED STATES

GLENDORA *v.* JOHN PORZIO ET AL.

ON MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

No. 97–7300. Decided March 9, 1998

PER CURIAM.

Pro se petitioner Glendora seeks leave to proceed *in forma pauperis* to file a petition for a writ of certiorari to the Second Circuit. The District Court dismissed petitioner's claims alleging violation of her due process rights and a conspiracy to violate her due process rights under 42 U. S. C. §1983 and 42 U. S. C. §1985, respectively. The claims, which arose out of a dispute with her landlord, were based on purported "sewer service" used by her landlord's lawyers and acceptance of the affidavits of service by the state court trial judge. The Second Circuit denied petitioner's motion to proceed *in forma pauperis* and dismissed her appeal as frivolous.

We deny petitioner leave to proceed *in forma pauperis*. She is allowed until March 30, 1998, to pay the docketing fees required by Rule 38 and to submit her petition in compliance with Rule 33.1. For the reasons discussed below, we also direct the Clerk of the Court not to accept any further petitions for certiorari in noncriminal matters from petitioner unless she first pays the docketing fee required by Rule 38 and submits her petition in compliance with Rule 33.1.

Petitioner has filed 14 petitions with this Court since 1994. All have been denied without recorded dissent. In 1997, we invoked Rule 39.8 to deny petitioner *in forma pauperis* status. *Glendora* v. *DiPaola*, 522 U. S. __ (1997). Petitioner nevertheless has filed another frivolous petition with this Court. In her petition, Glendora asserts that the state trial court judge who presided over her dispute with her landlord sanctioned "sewer service" by her

landlord's lawyers, and that the District Court and Court of Appeals sanctioned this conduct. She does not address the District Court's reasons for dismissing her complaint.

Accordingly, we enter this order barring prospective *in forma pauperis* filings by petitioner in noncriminal cases for the reasons discussed in *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

It is so ordered.

JUSTICE STEVENS, dissenting.

For reasons previously stated, see *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1, 4 (1992), and cases cited, I respectfully dissent.